

## JURIES

### The Ordeal of Serving

In some respects, the twelve men confined to a New Orleans hotel last week can expect no better treatment than Army recruits. For weeks they will live barrack-style, four to a room, at the Rountowner Motor Inn. A deputy sheriff will guard them even when they sleep. Only in emergencies will they be allowed to talk by phone with their wives—and then only after a sheriff contacts Judge Edward Haggerty for his permission. For their trouble, the jurors, who will eventually decide whether Businessman Clay Shaw conspired to kill President John F. Kennedy, will not be paid a cent by the city.

The men chosen for the Shaw trial last week were beginning an ordeal known as "sequestration." Another dozen will meet much the same fate this week or next when they will be shut up in a Los Angeles hotel. They are the California citizens who will ponder the fate of Sirhan Bishara Sirhan, who is accused of assassinating Senator Robert Kennedy.

As the influence of newspapers, magazines, TV and radio becomes more pervasive, judges are locking up juries with increasing frequency in long criminal trials to prevent them from hearing or reading comment that might influence them. Even when they are not sequestered, jurors in such cases can look forward to an experience that is usually grueling—and sometimes disillusioning.

In the courtroom, lawyers probe prospective jurors mercilessly for psychic defects, while private investigators may conduct exhaustive examinations of their private lives. Even before a trial starts, a candidate for the jury must usually wait around for hours in grey, dingy courthouse rooms. Once the case is under way, the testimony may be pretty raw. Mrs. L. L. Peterson of Houston, who served on a jury in a torture-murder case a few years ago, described the evidence as "gruesome and sickening." And the ordeal does not always end with the trial. A Floridian who sat on a jury that acquitted a man of murder, received crank calls long afterward. Among the letters sent to him was an anonymous one that read: "I want you on my jury if I ever commit murder."

**Herded into Buses.** When the jury is sequestered, its members must forsake their careers and all the rhythms of their normal lives for prolonged periods. For three weeks in 1967, jurors in the trial of former Senate Aide Bobby Baker on theft, income tax evasion and conspiracy charges were confined to a cheerless court building in Washington, D.C., while Baker himself was free. Their only "relief," if it can be called that, came on weekends, when they were herded into buses for rides around the winter countryside. Jury Member Lenzie Barnes recalls: "It's like

being a prisoner of war or being an inmate in a penitentiary. We were totally incommunicado."

Dr. Donald Albanito, a juror in the 1967 murder trial of Mass Murderer Richard Speck, spent four weeks cooped up in the Pèrre Marquette Hotel in Peoria, Ill. Albanito, head of the business faculty at Peoria's Bradley University, said the jurors became so bored that they spent long hours idly gazing out hotel windows. When a bailiff ordered one man to close his window, reports Albanito, the edgy juror shouted at him: "If

long service purposely do not register to vote (since jurors are often picked at random from voting lists). Others may even lie in court. In murder trials, for example, they may insist that they oppose capital punishment—though such persons are no longer automatically excused. Or they may answer yes when asked whether they have already made up their minds about a defendant's guilt. The danger is that if too many people escape duty, juries may not fairly express the values of the entire community.

**Minimizing Discomfort.** For all the hardships, though, many people consider jury duty an edifying lesson in the obligations of citizenship. And since a defen-

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JURY POOL AT NEW YORK COUNTY COURTHOUSE

*Usually grueling, sometimes disillusioning, always edifying.*

you so much as touch that damn window, I'll throw a chair right through it!"

**Pleading Hardship.** For most of those who serve, jury duty is a financial hardship. Even though the tightfisted parish of New Orleans, which does not pay jurors anything, is not typical, the juror in federal courts gets only \$20 a day. In most state courts he may expect to earn less. Some companies continue to pay all or part of a man's salary while he serves, but they tend to get balky when the trial is protracted. In Millbury, Mass., the John Bath toolmaking company once insisted that an employee on jury duty report to work for an hour and three-quarters each morning before the court convened. A judge fined the company \$3,000 and its vice president \$500, ruling that "a juror is a juror 24 hours a day."

Besides those who are exempt from jury duty, like lawyers and doctors, a number of others are excused because they are hard of hearing, have ill spouses, suffer from weak bladders or cannot stand the economic sacrifice. John Carmody, an American Bar Association specialist on court procedures, reports that many people who want to avoid

defendant's right to a fair trial depends upon how willingly and responsibly those who are selected as jurors approach their duties, some effort should be made to ensure that such duties entail neither undue economic hardship or undue discomfort. One man who is earnestly attempting to minimize the discomforts is Willard Polhemus, the bailiff who will be in charge of the Sirhan jurors when they leave the courtroom. Polhemus is planning weekend sightseeing trips for his charges. "Nothing like Marineland," he hurriedly notes, but there will be relaxing tours of the California coast that "wind up in a nice restaurant where they can dine out."

## THE SUPREME COURT

### New Irritant

*After receiving a tip from a usually reliable informant, an FBI agent tails a suspected gambler and bookmaker for five days. On four of those days, the suspect parks his car near the same apartment house in St. Louis. He is observed, on one occasion, entering a flat that has two phones listed in another person's name. The phone numbers cor-*